

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KIMBERLY SMITH,
Plaintiff,

v.

PAROLE OFFICER MICHAEL P. KENNY;
PAROLE OFFICER ROBERT B.
ROSENBERGER; FRANK GEMMATI (sued
herein as John Gemmati); DORIS CUEVAS
(sued herein as John J. Cuevas); JILL LENARD-
HORNE (sued herein as John Lenard Horne);
and JACK AND JILL DOE I–X,
Defendants.
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ORDER

20 CV 1274 (VB)

On August 24, 2022, plaintiff moved for reargument of the Court’s Opinion and Order dated May 31, 2022, dismissing plaintiff’s case. (Doc. #142).

The motion is DENIED.

Plaintiff’s motion is untimely. Any motion for reconsideration or reargument of a court order resulting in entry of judgment must be filed within fourteen days of the entry of that judgment. See Local Civil Rule 6.3. Judgment was entered in this case on May 31, 2022 (Doc. #141), thus any motion for reargument should have been filed by June 14, 2022, over two months ago.

Further, plaintiff’s counsel’s stated reason for the late filing—“my PACER was not working, and I did not learn of this Court’s decision and Order granting Defendant’s motion to dismiss until it was brought to my attention by Plaintiff on August 10”—is inadequate. Plaintiff’s counsel is admitted to the bar of this Court, and he has an obligation to “adhere to all applicable rules of admission,” including the requirement to maintain his PACER account “and to review regularly the docket sheet of the case.” See Local Civil Rule 1.3; Electronic Case Filing Rules & Instructions 19.6.

Finally, the Court has reviewed the substance of the motion and finds it to be plainly without merit.

The Clerk is instructed to terminate the motion. (Doc. #142).

Dated: August 25, 2022
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent Briccetti", written over a horizontal line.

Vincent L. Briccetti
United States District Judge